



## **MEMORANDUM**

**To:** **PLANNING COMMISSION**

**Date: March 13, 2007**

**From:** **COMMUNITY DEVELOPMENT DEPARTMENT**

**Subject:** **ZONING AMENDMENT APPLICATION, ZA 06-06 AND USE PERMIT  
APPLICATION, UP-06-06: LAUREL – JIFFY LUBE**

### **REQUEST**

The applicant is requesting approval of a Rezoning from PUD (HC) (Planned Unit Development-Highway Commercial) to HC (Highway Commercial) and a Conditional Use Permit for an approximately 3,500 sq. ft. automotive service facility on a vacant 0.66 acre parcel adjacent to and southwesterly of the Walnut Grove Dr./Laurel Rd. intersection (APN 726-43-004).

### **RECOMMENDATION**

Environmental Assessment: Mitigated Negative Declaration.

Application(s) ZA 06-06  
UP-06-06: Adopt resolution(s) recommending City Council approval  
of the Rezoning and Conditional Use Permit

Processing Deadline: N/A – The Permit Streamlining Act does not apply to  
projects requiring legislative acts.

### **CASE ANALYSIS**

#### **Background**

The subject parcel is currently located within the Walnut Grove PUD, which includes the *Chevrolet* auto dealership and the lower portions of the two vacant parcels to the west, as well as *Scramblz Restaurant*, *Chevron*, *Kentucky Fried Chicken*, and a parcel to the east containing a detention pond. The PUD was originally established in 1991 and then amended to include the Chevrolet parcel in 1996. Development standards for this particular PUD were adopted by the City Council in September of 2000 (described as “Area 2” in the attached Ordinance No. 1488). The City Council also amended the PUD regulations included in the Zoning Ordinance in September of 2000, which among other things, required that the first applicant proposing to develop within a PUD subsequent to its establishment by the City to submit a development plan

for all properties in the PUD. All of the existing uses in this PUD were in existence at the time this ordinance was amended; therefore there is no development plan in effect for the PUD.

The objective of the Walnut Grove PUD with its location near Highway 101 gateways to the City is to include uses which serve the needs of the traveling public and the sub-regional comparison shopping needs of the area. In addition, uses are intended to be compatible with the nearby residential development to the north. Due to its gateway location, a high quality of architectural and landscape design is required for all development. The design is also required to be compatible with the commercial PUD located on the west side of Walnut Grove Drive and with the nearby residential neighborhoods. Permitted uses include sit down restaurants, retail uses (excluding grocery, supermarket and drug stores) and one motor vehicle sales and service use to be located on the most easterly parcel in the PUD. Conditionally permitted uses include commercial recreation, one gasoline service station, one fast food restaurant, and any other use which the Planning Commission determines to be similar to permitted or conditional uses.

Submitted concurrently with this application is a request for a Site Review Permit and a Minor Exception to reduce parking requirements (see discussion below). Since the Rezoning requires City Council approval, in an effort to streamline the public hearing process, a final decision on all four applications will be made by the Council. The Planning Commission's role is to make a recommendation on the Rezoning and Conditional Use Permit. The Architectural Review Board reviewed the Site Review application on February 15<sup>th</sup> and unanimously recommended City Council approval.

### **Rezoning**

The subject parcel is zoned PUD (HC). The applicant is proposing to rezone the property by removing the PUD designation. Removing the PUD designation eliminates the requirement that the first applicant proposing to develop within the PUD subsequent to its establishment must submit a development plan for all properties in the PUD.

Although approval of the application would result in removal of the property from the PUD, the proposed use is consistent with the above-referenced objectives of the Walnut Grove PUD. An automobile service use will serve the needs of the traveling public. As more fully described below, its design is consistent with the adjacent PUD to the west. Additionally, the building's scale is compatible with the residential development to the north.

It should be noted that applications for a General Plan Amendment to increase the amount of commercially designated land on the two parcels between *Trader Joe's* and *Chevrolet* were received in November of 2006. The applicants are currently working on a precise development plan for the PUD. Site planning for the remaining vacant parcels will therefore occur in the upcoming year. It should also be noted that in conjunction with an auto dealer strategy previously considered for these sites in 2005, the City Council directed staff to remove the existing developed properties south of Walnut Grove Drive from the PUD. *Jiffy Lube*'s rezoning proposal is therefore consistent with previous Council direction. Staff will process removal of the balance of the properties in conjunction with the master planning efforts for the two vacant parcels.

### **Conditional Use Permit**

Both the existing PUD and proposed stand-alone HC zoning districts allow gasoline service stations as a conditionally permitted use. The districts also allow “any other use that the Planning Commission determines to be similar to permitted or conditional uses.” Since an automobile service use is similar to a gasoline service station, a Conditional Use Permit is required.

Pursuant to the requirements in Section 18.54.050 of the Zoning Ordinance, the following findings are required to approve a Conditional Use Permit for the proposed use:

- A. The site is suitable and adequate for the proposed use.
- B. The proposed use and design would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system.
- C. The proposed use at the location will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare.
- D. The design of the project is compatible with existing and proposed development within the district and its surroundings.

### **Site Suitability**

The overall site is approximately 0.66 acre in size. The relatively level parcel is currently undeveloped and surrounded by commercial uses on all sides including a specialty grocery store (*Trader Joe's*) to the north, a restaurant (*Scramblz*) to the south, a gasoline service station to the east (*Chevron*) and a drug store (*Walgreen's*) to the west.

The proposed building includes a lobby and four bays above a basement area from which vehicle servicing occurs. According to the applicant's statement of operations (attached), the front two bays are used for actual services performed, while the back two bays are primarily used to prepare vehicles for servicing.

The proposed automobile service station use requires one parking space for each 200 square feet of gross floor area (or 17 spaces for this project). The parking supply summary included on Sheet A0.0 of the plans indicates that there are 17 spaces provided, which includes at least two tandem parking spaces. The Parking Ordinance does not recognize tandem spaces as counting toward the parking requirement, though it has been the administrative practice of the Community Development Department to count parking included within service bays (four spaces in this case). The total recognized parking supply is therefore 14 spaces (10 along the north property line and four within the bays). The Zoning Ordinance allows the Community Development Director to authorize up to a 25-percent reduction in the parking requirement (four spaces, in this case) where such reduction will not result in a traffic hazard or impact the necessary parking for the use. The applicant has filed a Minor Exception application to reduce parking requirements to

cover the three space deficit. At its February 15<sup>th</sup> meeting, the ARB recommended a condition requiring the applicant add one additional parking space on the west side of the building (see discussion under the circulation section below), which reduces the deficit to two spaces. Staff believes there is enough parking to accommodate the proposed use. According to the applicant's statement of proposed operations (attached), the maximum number of employees on site at any one time is eight. With customers waiting in their vehicles to be serviced, coupled with a majority of the customers using the waiting room during service, there will be enough parking even during the peak demand periods.

#### Circulation

The subject parcel has three street frontages. Ingress and egress is proposed from the eastern street frontage (Laurel Road) via an access easement across the northeast corner of the adjacent parcel to the south. (This easement was recorded in conjunction with the *Scramblz* project for the express purpose of providing future access to this site.) Employee and customer parking are proposed along the eastern portion of the site with the building proposed on the west side. A driveway at the west side of the site would provide egress to Walnut Grove Drive after the vehicles have been serviced.

At the ARB meeting, staff from both the Planning and Police Departments recommended that the building footprint be shifted to the east with employee parking located east of the building (eight spaces) and customer parking to the west (two spaces was recommended). While a majority of customers will likely use the waiting room while their vehicles are being serviced, concern was expressed that some customers will choose to drop off their cars and patronize the neighboring businesses (i.e. *Starbucks*, *Trader Joe's*, and *Walgreen's*). Providing customer parking west of the service bays would preclude employees from having to park vehicles that have been serviced on the street or circle the site using Walnut Grove Drive and Laurel Road get back to the parking lot. The applicant was opposed to this recommendation citing better building visibility from Dunne Avenue as a reason for the building footprint location. As mentioned above, the ARB recommended a condition requiring the applicant to provide one space west of the building, which could be accommodated without having to modify the building footprint to provide the 15 foot minimum landscape buffer between a parking space and the property line fronting the street. The layout is shown as Option A on Sheet A1.1. This approach increases the recognized parking supply to 15 spaces, reducing the Minor Exception request to two space.

#### General Welfare

The proposed use would not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare. According to the applicant's statement of operations, Jiffy Lube will be open Monday through Saturday from 8:00 a.m. to 6:00 p.m. and on Sundays between 9:00 a.m. and 5:00 p.m.

The primary source of noise would be from air compressor at the auto repair facility that transfer automobile fluids. The nearest sensitive receptors to the project site are the residences located approximately 400 feet north of the project behind *Trader Joe's*. Because the auto service bay entrance/exit is oriented in an east/west direction and the nearest residences are located approximately 400 north of the project site, noise from the operation of the proposed auto repair

facility would not expose these sensitive receptors to noise levels in excess of the standard established in the General Plan.

The proposed auto service facility would use and store hazardous materials, such as motor oil, antifreeze, and transmission fluid. The use and storage of hazardous materials in the City of Morgan Hill is regulated by the Santa Clara County Fire Department (SCCFD). The SCCFD hazardous materials section provides a comprehensive program of plan review and inspection for hazardous materials system installations, modifications, and closures. Hazardous materials specialists in the Fire Prevention Division promote compliance with local hazardous materials storage ordinances as well as the regulations for hazardous materials found in the Uniform Fire Code and state laws. The construction and operation of the proposed project would conform to the requirements of the SCCFD.

### Compatibility

The subject building is proposed to be one-story with a tower element and constructed using stucco and varying colors/styles of concrete block. Some of the more recently constructed buildings in the vicinity such as *Trader Joe's* and *Walgreen's* include Craftsman-style architecture. The proposed design incorporates Craftsman-style elements such as a hipped roof design on the tower, outriggers and exposed rafter tails. A condition of approval recommended by staff and the ARB is to include Craftsman-style parking lot light fixtures with a brick base.

### **Environmental Review**

An Initial Study has been prepared which examines impacts from the proposed project. The study discusses the proposed project in detail, evaluates all potential impacts, and proposes mitigation measures to reduce impacts to less-than-significant levels. The potential impacts identified relate to the potential loss of a silk tree near the driveway. Although the applicant is seeking to retain this tree, because of its close proximity to construction, it is possible that the tree may not survive and the purpose of the mitigation measures is to ensure that there will be no impacts to nesting raptors.

The required 20-day public review period began on February 9<sup>th</sup> and concluded on March 1<sup>st</sup>. No comments were received during the public review period. All mitigation measures identified in the attached Mitigated Negative Declaration are applied as conditions of approval for the Site Review and Conditional Use Permit(s).

### **RECOMMENDATION**

It is recommended that the Planning Commission recommend City Council approval of the Rezoning and Conditional Use Permit request, subject to the findings and conditions contained in the attached resolution(s).

### **Attachments:**

1. Approval Resolution(s)
2. Mitigated Negative Declaration
3. Ordinance No. 1488
4. Applicant's Statement of Proposed Operations



## COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236  
Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)

### MITIGATED NEGATIVE DECLARATION

#### I. DESCRIPTION OF PROJECT:

Date: February 9, 2007 Application #s: ZA 06-06, UP 06-06, SR 06-07, EX 06-05 & EA 06-18

APN: 726-43-004

Project Title: Laurel-Jiffy Lube

Project Location: The project site is located at the southeast corner of Laurel Road and Walnut Grove Drive in Morgan Hill.

Project Proponent: Carcola #1, LTD

Project Description: The project proposes to rezone the 0.66-acre project site from *Planned Unit Development/Highway Commercial District (PUD-HC)* to *Highway Commercial District (HC)* and develop a 3,478 square foot automotive service facility on the project site.

#### II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

### **III. CONDITIONS (Mitigation and Avoidance Measures):**

#### *A. Biological Resources*

The following measures are included in the proposed project to avoid impacts to nesting raptors

- MM 4.4-1 Project construction would start and any tree removal would occur between September 1st and January 31st to avoid the raptor nesting season and no additional surveys would be required.
- MM 4.4-2 If construction starts or tree removal occurs between February 1st and August 31st, a pre-construction survey for nesting raptors shall be completed by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between February 1st and April 31st, pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May 1st and August 31st, pre-construction surveys shall be completed no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees on and immediately adjacent to the project site for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity.

The applicant shall submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Department of Community Development, Planning Division prior to the issuance of any grading or building permit.

### **III. FINDING**

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project.



Kathleen Molloy Previsich

Community Development Director

Date: 2-8-2007

**RESOLUTION NO. 07-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MORGAN HILL RECOMMENDING  
APPROVAL OF ZONING AMENDMENT APPLICATION  
NO. ZA-06-06: LAUREL – JIFFY LUBE TO AMEND THE  
ZONING DESIGNATION FROM PUD (HC) (PLANNED  
UNIT DEVELOPMENT-HIGHWAY COMMERCIAL) TO  
HC (HIGHWAY COMMERCIAL) ON A 0.66-ACRE  
PARCEL (APN 726-43-004) ADJACENT TO AND  
SOUTHWESTERLY OF THE WALNUT GROVE  
DR./LAUREL RD. INTERSECTION**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of March 13, 2007, at which time the Planning Commission recommended approval of application ZA-06-06: Laurel – Jiffy Lube; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES  
RESOLVE AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. The Planning Commission recommends that a Mitigated Negative Declaration be adopted in conjunction with the Zoning Amendment.
- SECTION 4.** The Planning Commission hereby recommends approval to amend the zoning designation from PUD (HC) (Planned Unit Development-Highway Commercial) to HC (Highway Commercial) as shown on the attached zoning plat (Exhibit "A").

**PASSED AND ADOPTED THIS 13<sup>th</sup> DAY OF MARCH, 2007, AT A REGULAR  
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES:           COMMISSIONERS:**

**NOES:           COMMISSIONERS:**

**ABSTAIN:       COMMISSIONERS:**

**ABSENT:       COMMISSIONERS:**

**ATTEST:**

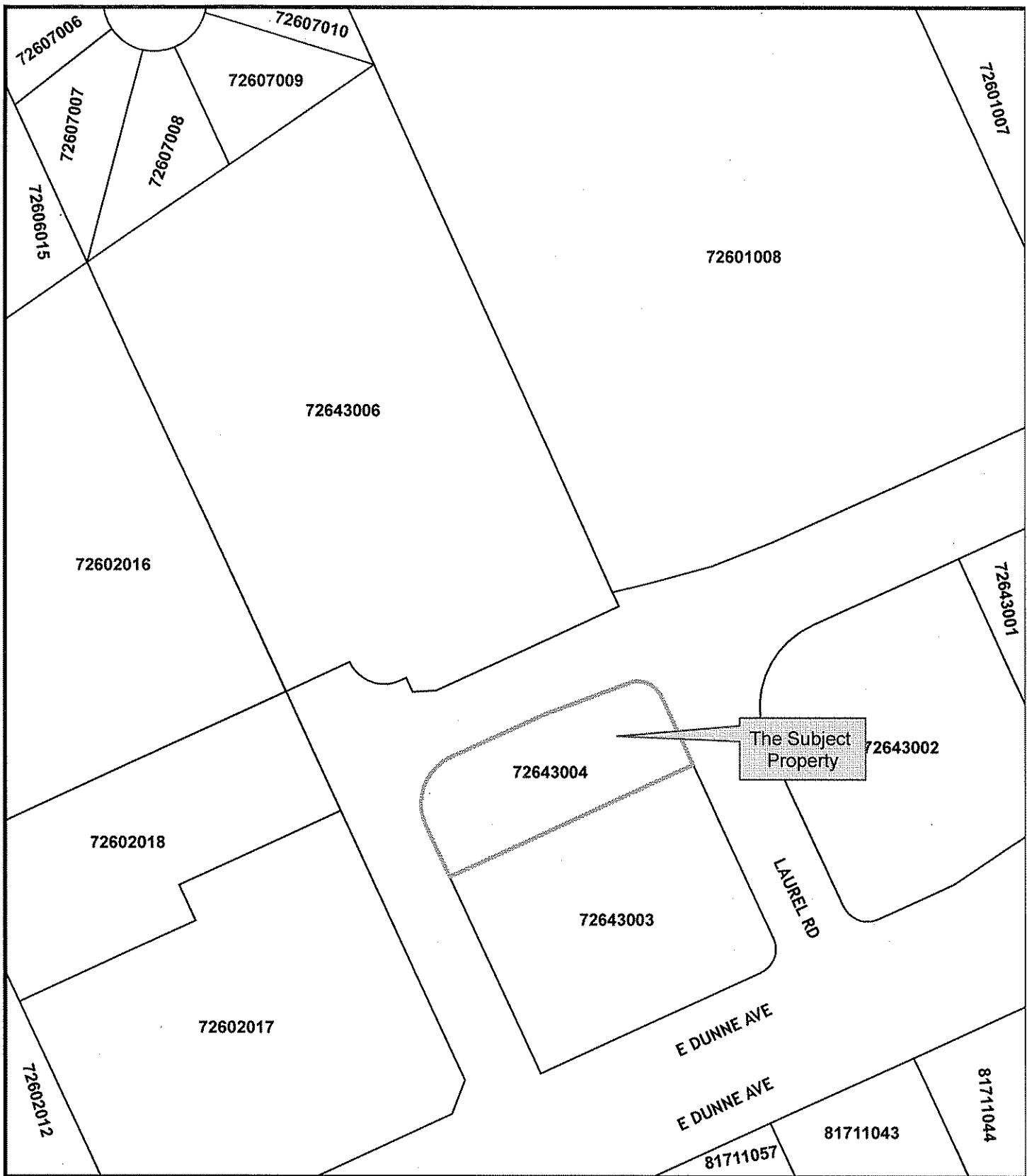
**APPROVED:**

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**FRANCES O. SMITH, Deputy City Clerk**

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**ROBERT J. BENICH, Chair**



**ZA-06-06: Laurel - Jiffy Lube**

**Rezone Subject Property  
from PUD(HC) to HC**



**RESOLUTION NO. 07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MORGAN HILL RECOMMENDING  
APPROVAL OF A CONDITIONAL USE PERMIT TO  
ALLOW AN APPROXIMATELY 3,500 SQ. FT.  
AUTOMOTIVE SERVICE FACILITY ON A VACANT 0.66  
ACRE PARCEL ADJACENT TO AND SOUTHWESTERLY  
OF THE WALNUT GROVE DR./LAUREL RD.  
INTERSECTION (APN 726-43-004)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of March 13, 2007, at which time the Planning Commission recommended approval of use permit application UP-06-06: Laurel – Jiffy Lube; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES  
RESOLVE AS FOLLOWS:**

- SECTION 1.** The approved project is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** An initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. The Planning Commission recommends that a Mitigated Negative Declaration be adopted in conjunction with the Conditional Use Permit.
- SECTION 3.** The approved conditional use has been found consistent with the criteria for use permit approval contained in Section 18.54.050 of the Zoning Code.
- SECTION 4.** The Planning Commission hereby recommends approval of a an approximately 3,500 sq. ft. automotive service facility on a vacant 0.66 acre parcel adjacent to and southwesterly of the Walnut Grove Dr./Laurel Rd. intersection (APN 726-43-004).
- SECTION 5.** The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as Exhibit "A", and by this reference incorporated herein.

**PASSED AND ADOPTED THIS 13<sup>th</sup> DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES:           COMMISSIONERS:**

**NOES:           COMMISSIONERS:**

**ABSTAIN:       COMMISSIONERS:**

**ABSENT:       COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

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**FRANCES O. SMITH, Deputy City Clerk**

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**ROBERT J. BENICH, Chair**

**A F F I D A V I T**

I, \_\_\_\_\_, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

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\_\_\_\_\_, Applicant

Date: \_\_\_\_\_

## **EXHIBIT "A"**

### **STANDARD CONDITIONS**

**APPLICATION: UP06-06/SR 06-07: Laurel - Jiffy Lube**

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE ISSUANCE OF BUILDING AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS OTHERWISE SPECIFIED IN THE CONDITIONS. APPROVAL REQUIREMENTS ARE NOT LIMITED TO THE ITEMS LISTED BELOW AND NOT ALL OF THE STANDARD CONDITIONS ARE APPLICABLE TO THE SITE OF A SPECIFIC PLANNING APPLICATION.

THOSE CONDITIONS MARKED BY AN "X" ARE APPLICABLE TO THE PROJECT APPLICATION REFERENCED ABOVE.

### **COMMUNITY DEVELOPMENT DEPARTMENT**

#### **PLANNING DIVISION**

1. **TIME LIMITS**
  - X A.** The Site and Architectural approval granted under this Resolution shall remain in effect for one year to (Council Approval Date), 2008. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. (MHMC 18.74.250)
    - D.** \_\_\_\_\_ D. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the aforementioned Code Section if necessary to ensure compliance with said conditions. (MHMC 18.54.090)
    - E.** \_\_\_\_\_ E. Prior to approval and recordation of the final map, written certification from the Morgan Hill Unified School District shall be submitted to the Community Development Department which states that adequate school facilities are or will be capable of accommodating students generated by this project. Such letter of certification must have been issued by the School District within 90 days prior to the final map approval.
  - B.** The Tentative Subdivision/Parcel Map approval granted under this Resolution shall remain in effect for two years to \_\_\_\_\_, 200 \_\_\_\_\_. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Community Development Department (parcel map)/Planning Commission (tentative map) prior to the expiration date. (MHMC 17.20.170; 17.24.110)
  - X C.** The Conditional Use Permit approval granted under this Resolution shall remain in effect for twelve (12) months to (Council Approval Date), 2008. Failure to commence the use within this term shall result

**II. SITE DEVELOPMENT**

standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.

A. Prior to on-site grading, the applicant shall enter into an

agreement with the City of Morgan Hill for consultant services. The City shall retain the services of a professional arborist to evaluate the condition of any on-site specimen tree(s) affected by construction activity, and recommend appropriate written specifications which will preserve such trees during and after construction. The City shall provide copies of said written specifications to the applicant, who shall assume responsibility for implementing all recommended actions contained in that document.

B. The applicant shall provide a set of Covenants, Conditions and Restrictions, Bylaws and Articles of Incorporation, for review and approval by the City Attorney prior to final occupancy or recordation of the final map. All such CC&Rs shall include the following text:

1. Common Areas/Right of Ways:

a. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)\* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.

\*Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill

- c. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.
- d. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
- e. This section may not be amended without the prior written consent of the Director of Community Development for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.
- f. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance

## STANDARD CONDITIONS

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obligation or duty of maintenance is increased by such amendment.

2. Tree and Landscape Preservation: The Owners of the Units and Association shall preserve and maintain all trees and landscape on the property originally required by the approved landscape plan and shall not remove or alter any such trees or landscape from the Property without the approval of the Director of Community Development of the City of Morgan Hill.

- 3 Compliance with the City of Morgan Hill Conditions of Approval: It shall be the responsibility of each Owner and the Association to insure that any changes or modifications to the Project or any Unit are in compliance with the original City conditions of approval of the Project, which are hereby incorporated herein as if set forth in full.

Final site development plans shall be reviewed and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:

1. Detail depicting all concrete curbs as full formed.
2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. The light standards shall be 15 feet in height and include a brick base. The parking lot light fixtures shall be of a Craftsman-style subject to approval by the Community Development Director. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing. (MHM/C 18.74.370)

X.C.

5. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berthing, and landscaping. (MHM/C 18.74.320) For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
6. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.

D.

6. Recordation of a final map shall be in accordance with the number of building allotments granted through the Residential Development Control System (RDCS) for this project. Should a portion of the project's building allotment expire prior to final map approval, the number of lots on the final map shall be reduced to correspond to the remaining allotment. (MHM/C 18.78.020)

E.

- Prior to recordation of the final map, the owner shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.

3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities. (MHM/C 18.50.110; 18.74.470)
4. Trash enclosures shall be constructed of a sturdy, opaque

## STANDARD CONDITIONS

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F. Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval.

### III BUILDING DESIGN

X.A. All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 ft. or greater to match the height of any proposed equipment. (MHM<sup>C</sup> 18.74.320)

X.B. Roof top lighting is not approved for any building within the project. Any ground mounted lighting projecting onto the building or site will be subject to the review and approval of the Director of Community Development. Adjustment to the lighting intensity may be required after the commencement of the use. All parking lot lighting shall be high pressure sodium. (MHM<sup>C</sup> 18.74.320)

X.C. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior. (MHM<sup>C</sup> 18.74.360)

X.D. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building. (MHM<sup>C</sup> 18.74.340)

### IV. PARKING & VEHICULAR ACCESS

X.A. The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces. Such planters shall contain an 18" walk adjacent to parking stall (including curb width). (MHM<sup>C</sup> 18.74.550 C)

B. Textured pedestrian pathways across circulation aisles shall be provided throughout the development to connect dwellings or commercial/industrial buildings with parking areas, open spaces and recreational uses.

### III BUILDING DESIGN

C. All units shall be provided with automatic garage door openers if driveway is less than 18 feet in depth from back of sidewalk.

D. Prior to final map approval or issuance of a building permit, the owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval by the City Attorney for reciprocal ingress/egress easements along the common driveway.

### V. LANDSCAPING

X.A. The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.74.560(d) of the Design Review Ordinance. (MHM<sup>C</sup> 18.74.560)

X.B. Detailed landscape planting and irrigation working drawings shall be submitted to the Community Development Department for approval prior to issuance of building permits. Landscape plans shall include shrubs that will effectively screen the parking lot from the street(s). Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

C. Special landscape features such as mounding, field stones, specimen size trees, meandering sidewalks and landscaping, minimum \_\_\_\_\_ feet in width, shall be required along

D. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by (the property owner/Homeowner's Association) as part of the common area improvements.

## STANDARD CONDITIONS

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- C. Directory monument sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Directory signs may also be provided for any multi-tenant commercial or industrial building. Location of the sign(s) shall be inferior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits.
- VII. OTHER CONDITIONS
- A. It is recognized that the subject structure is proposed as speculative and the ultimate use is unknown at this time. Future commercial/industrial users of this site are subject to the City's commercial/industrial performance standards and may require use permit approval.
- B. The applicant for land use approval has received notice that the issuance of a building permit to implement such land use action may be suspended, conditioned or denied where the City Council has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of Morgan Hill or to meet discharge standards imposed by the California Regional Water Quality Control Board.
- C. The City of Morgan Hill currently may not have the sewage treatment capacity necessary to serve this project. Building permit issuance will not be allowed until and unless sewer capacity has been obtained for the project.
- D. Prior to development of the subject property, the applicant shall follow the recommendations of the Northwest Information Center, Sonoma State University, regarding the investigation of potentially-significant archeological resources on the site, and shall follow recommended actions for the preservation and protection of any resources discovered during such investigation before and during construction activity.
- E. Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of this
- X.E. All trees within approved landscape plans shall be of a minimum fifteen gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Community Development Director.
- F. A soils report shall be provided with landscape plan at the building permit stage indicating agricultural suitability and soil fertility.
- G. The balance of a building site not developed as part of this project approval shall be placed in landscaping acceptable to the Planning Division.
- H. A note shall be placed on the final map which shall indicate that lot(s) \_\_\_\_\_ shall be used for no purpose other than for on-site storm drainage facilities and recreational amenities. All proposed trails, private open space and associated facilities shall be permanently secured with appropriate documentation [i.e., Deeds; Easements; Covenants, Conditions and Restrictions (CC&Rs), Dedication, Homeowners Association, etc.).
- I. The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall be permitted with the approval of the Director of Community Development.
- VII. SIGNS
- A. The applicants shall obtain Planning Division approval of a sign program prior to issuance of building permits. The terms of said sign program shall be included as a disclosure in all future leasing agreements affecting this parcel.
- B. The signs indicated on the plan set drawings are not approved with the subject site review application. Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

## STANDARD CONDITIONS

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conditional use permit. In addition, applicant shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted. The undersigned hereby represents that they are fully empowered by the applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.

**X** F. Submit two (2) signed copies of Approval Certificate/Resolution building permits.

Prior to approval of the final map (or issuance of a building permit where no map is required), the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the proposed project.

**X** G. The applicant shall be subject to compliance with the mitigation measures of the project environmental assessment.

**X** I. 1. After project approval the applicant shall conduct a preconstruction survey to avoid the take of individual burrowing owls. The preconstruction survey shall be conducted not more than 30 days prior to construction to assure take avoidance of burrowing owls. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).

a. If there are construction activities during the breeding season, and if burrowing owls are observed on, or within 250 feet of the project site during preconstruction surveys, a 250 foot protective buffer shall be established and monitored.

b. If preconstruction surveys are conducted during the non-breeding season and burrowing owls are observed on the site, the owls may be relocated upon approval of the CDFG once mitigation has been provided. (PLNG)

to the Planning Division prior to issuance of

J. Development under the General Plan could adversely impact undocumented historic properties, which are not protected by the proposed General Plan policy.

1. Until the historic resource inventory is updated as recommended in the General Plan building permit for alteration or demolition shall be approved for any property over 45 years. Buildings over 45 years old should be reviewed by a qualified architectural historian prior to project approval.
  2. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met.
    - a. Work at the location of the find will halt immediately within 30 feet of the find. If an archaeologist is not present at the time of the discovery, the City would contact an archaeologist for identification and CEQA evaluation.
    - b. If the find is not significant, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find.
    - c. If the find appears significant, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures.
    - d. If the resource cannot be avoided, the archaeologist will develop within 48 hours an Action Plan to avoid or minimize impacts. The field crew will not proceed until the Action Plan is approved by the City. (PLNG)

**HOUSING DIVISION**  
**GENERAL REQUIREMENTS**

A. Relocation assistance in the form of a list of available rental units of similar price and in the same general area shall be provided each tenant, together with a relocation allowance equal to three (3) months rent at the tenant's rate in effect at the time final approval is granted. The rental list shall be updated weekly by the applicant until residences are vacated. A copy of all assistance plans shall be forwarded to the Housing Division for approval. Payment shall be made when relocation expenses are incurred or no later than the time the tenant vacates the premises. (**MHMC 15.30.050**)

B. The Property Owner shall enter into agreement with the City to provide at least 10% of the for sale homes for participation in a below market rate (BMR) sales program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.

The BMR participation agreement shall include the following provisions:

- Family size shall be considered when a home is offered through the BMR program. No distinction shall be made between adults and children;

- BMR units must be affordable to families at or below the county's current median income as defined by the United States Department of Housing and Urban Development; The monthly housing cost shall include:

- unit purchase price
- current lending rates
- estimated taxes
- estimated insurance
- homeowner's association fee
- other expenses as determined by the lender

Units shall be available only to first time home buyers as defined by the BMR program and who currently reside within the County of Santa Clara.

BMR units shall be subject to resale restrictions under

individual agreements which shall be binding for a minimum of 45 years.

C. The Property Owner shall enter into agreement with the City to provide at least \_\_\_\_\_ of the units for participation in a below market rate (BMR) rental program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.

The BMR participation agreement shall include the following provisions:

Family size shall be considered when a rental unit is offered through the BMR program. No distinction shall be made between adults and children;

- \_\_\_\_\_ of the BMR units upon the issuance of the certificate of occupancy must be affordable to families at very low or below the County's current median income as defined by the United States Department of Housing and Urban Development and the remaining \_\_\_\_\_ BMR units must be affordable to families at low or below the County's current median income.

-Property Owner agrees not to convert units to condominiums for a period of twenty (30) years.  
-Tenants will be selected from the City's waiting list.  
-Property owner shall abide by the Program Guidelines incorporated herein by this reference.

D. The project is located in the Central Commercial-Residential (CC-R) zoning district and therefore must comply with the provisions of the Downtown Replacement Housing Program (DRHP). Those provisions may require that relocation assistance and/or on-site replacement housing be provided to current or past residents of the property. The applicable provisions of the DRHP must be satisfied prior to issuance of building permits for the subject project. (**MC 15.30.050; 15.330.060**)

E. Property Owner agrees to pay double the standard Housing mitigation fee.

## STANDARD CONDITIONS

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## BUILDING DIVISION

### IX. EXISTING STRUCTURES

- A. Existing building(s) where an occupancy change or use occurs, shall be made to comply with current Building Code for the intended use. (**UBC 3045**)
- B. Removal of existing sewage disposal facilities and connection to city services shall be required prior to final inspection. (**MHMC 13.24**)
- C. Additions to structures and/or a change in occupancy of use are required to install fire sprinklers. (**MHMC 15.08.070**)

### GRADING

- A. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary. (**UBC, Appendix Chapter 33**)
- B. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including:

- 1) Comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary and controlled drainage of storm water away from building.
- 2) Comprehensive erosion control plan, including hydromulching or hand-seeding methods to be used in all graded or cleared areas. Said plan shall meet the minimum standards and specifications of the Loma Prieta Resource Conservation District.
- 3) All cuts and fills shall be at a 2:1 slope or less unless stabilized by a retaining wall or cribbing as approved by the City Engineer. Retaining walls that retain four feet or more measured from immediate grade shall be of concrete or masonry. (**MHMC 15.08.050**)

### XI. SITE DEVELOPMENT

- |  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> A. | Prior to issuance of building permits, the applicant shall provide two copies of a soils (Geotechnical) engineering report prepared by a registered Civil (Geotechnical) Engineer. The report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading criteria for corrective measures, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, per UBC Appendix Chapter 70. The report shall also include soil classification and foundation investigation as required by UBC Chapter 29. ( <b>UBC, Appendix 33</b> ) | <input checked="" type="checkbox"/> A. | Prior to issuance of building permits, the applicant may be required to provide two copies of an engineering geology report, prepared by a registered Engineer Geologist. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. ( <b>UBC Appendix Chapter 33</b> ) |
| <input checked="" type="checkbox"/> B. | Prior to issuance of building permits, the applicant may be required to provide two copies of an engineering geology report, prepared by a registered Engineer Geologist. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. ( <b>UBC Appendix Chapter 33</b> )  | <input checked="" type="checkbox"/> B. | Prior to issuance of building permits, the applicant may be required to provide two copies of an engineering geology report, prepared by a registered Engineer Geologist. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. ( <b>UBC Appendix Chapter 33</b> ) |
| <input checked="" type="checkbox"/> C. | Record of survey required. Lot stakes to be set by registered Civil Engineer or licensed Land Surveyor prior to issuance of building permits. ( <b>UBC 108.1</b> )  | <input checked="" type="checkbox"/> C. | Record of survey required. Lot stakes to be set by registered Civil Engineer or licensed Land Surveyor prior to issuance of building permits. ( <b>UBC 108.1</b> )   |
| <input checked="" type="checkbox"/> D. | Plans for all septic tank sewer systems shall be submitted to the Santa Clara County Environmental Health Department for review and issuance of a septic tank permit. Location of the approved septic tank leach field and expansion area shall be depicted on the revised site plan as part of a final submittal. ( <b>MHMC 13.24</b> )  | <input checked="" type="checkbox"/> D. | Plans for all septic tank sewer systems shall be submitted to the Santa Clara County Environmental Health Department for review and issuance of a septic tank permit. Location of the approved septic tank leach field and expansion area shall be depicted on the revised site plan as part of a final submittal. ( <b>MHMC 13.24</b> )   |

### OTHER CONDITIONS

XII.

## STANDARD CONDITIONS

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- A. The applicant shall have an acoustical analysis prepared by a licensed professional, specifying the manner in which interior noise levels will be reduced to the required forty-five (45) dB(A). The details of noise attenuation recommended in the report will be subject to review and approval of the Chief Building Official prior to issuance of the building permit. (UBC Appendix 1208)
- B. Submit minimum six (6) complete sets of working drawings and specifications. Building plans shall be drawn at a minimum 1/4" scale. Minimum sheet size shall be 18" x 24". Submit minimum - six (6) complete sets of drawings for all commercial and or industrial buildings. (UBC 106.3.3)
- C. A demolition permit from the Building Division of the City of Morgan Hill is required prior to the demolition of any structure. All structures which are 50 years old or older must complete a

- D. 15 day posting requirement. All structures must obtain a permit from the Bay Area Air Quality Control Board prior to demolition. (MHHMC 15.60)
- E. Permits for new structures or additions will require compliance with the Building Security Ordinance. Requirements such as the installation of dead bolts on doors, protection methods for windows, garage door security, commercial roof opening security, lighting at all exit doors, etc. may be required. (MHHMC 15.40)
- F. Permits for new structures or additions to existing structures will require the installation of fire sprinklers. (MHHMC 15.08.070)
- G. All copper tube for water piping shall have a weight of not less than type "L". (MHHMC 15.20.050)

PUBLIC WORK DEPARTMENTENGINEERING DIVISION

## XII GENERAL

**X.A.** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvement and/or land uses, which are different than those presently set forth in the City's codes and ordinances, such alternative standards must be presented and approved by the Director of Public Works. The applicant shall cause Standard Specifications and Standard Drawings to be prepared in a format to be approved by the Director of Public Works. (MHM 17.32.080)

**B.** The applicant shall have a Final Map prepared by a registered engineer or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be as required by the Public Works Department. (MHM 17.20.200)

**X.C.** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the Director of Public Works prior issuance of a building permit. (MHM C Sec 17.32.080)

**X.D.** Obtain necessary encroachment permits from City of Morgan Hill and provide guarantee covering off-site improvements. (MHM 12.08.040 A)

**E.** Modification of existing map to show (Storm Drain System) (Pavement widths) (Curve Radius) (Existing Utilities) on (MHM 17.20.040)

**F.** Enter into a Subdivision Improvement Agreement with the City of Morgan Hill to cover required improvements. (MHM 17.32.160)

**X.G.** Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (MHM 17.20.340; 17.20.350)

**H.** The applicant shall submit a complete traffic study of the area affected by the proposed project. This study shall be subject to review and approval by the Public Works Director prior to the issuance of any City permits. All mitigating improvements outlined in the study shall be installed by the applicant at his expense. (MHM 17.32.090)

**I.** Prior to final map approval or issuance of a building permit, the applicant shall pay  $\frac{1}{2}$  the cost of an improved median on portion covering the project frontage. Said cost shall be determined by the City Engineer. (MHM 3.44.020)

**J.** A map for assessment district reapportionment and reassessment spread shall be prepared and submitted to the City Engineer for review, approval and City submittal to the County Assessor. Said map shall be recorded concurrent with subdivision/parcel map. (MHM 17.20.350)

**K.** Pursuant to City Ordinance 982, the subject property will have reimbursement obligation to the City for lands acquired for street purposes and streets improved should those lands/street improvements abut or be included within subject property. (MHM 12.02.120 B).

**L.** IMPACT FEE INCREASE-The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established ten specific

## STANDARD CONDITIONS

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categories of impact fees to finance the cost of improvements required by new development. The City Council has chosen to implement certain fees, withhold implementation of certain fees, and stage the implementation of certain fees. City Code Chapter 3.56.050 provides for automatic annual (July 1) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. Those fees which a developer elects to defer shall be subject to the fees in effect at the time of development of a lot (issuance of building permit). The City Public Works Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours.

## STREET IMPROVEMENTS

A. The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with both the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the Director of Public Works. All street improvements shall be constructed to the satisfaction of the Director of Public Works. The timing of the improvements will be determined by the City. (MHM 17.32.060)

B. Installation and dedication of street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting on \_\_\_\_\_ in conformance with City of Morgan Hill requirements. (MHM 17.32.060)

C. Dedication of a total of \_\_\_\_\_ feet from center line of public right-of-way on \_\_\_\_\_. (MHM 17.28.010)

D. Dedication of the required corner cutoff at the intersection of \_\_\_\_\_ . (MHM 17.28.010)

## XIV. SANITARY SEWER SYSTEM

A. The applicant, at his or her expense, shall have a registered civil engineer prepare a complete sewer system capacity study of the on- and off-site sewer system which will service the project (both upstream and downstream). The study shall meet the approval of the Director of Public Works. All needed improvements shall be installed by the applicant. No downstream overloading of existing sewer system will be permitted. (MHM 17.32.090)

X.B. The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on \_\_\_\_\_

Collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MHM 17.32.020 C)

X.C. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MHM 13.24.080)

## STORM DRAIN SYSTEM

X.V.

A. A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHM 17.32.090)

B.

The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works. (MHM 17.32.020 B)

X.C. Collection system shall be designed to be capable of handling a year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Whereas, on-site retention facilities shall be designed to a 100 year storm

## STANDARD CONDITIONS

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capacity. Items of construction shall include, but not be limited to Installation of storm line extension on site surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. (**MHMC 17.32.080**)

Prior to building permit approval the applicant shall complete the following to the satisfaction of the Santa Clara Valley Water District and Director of Public Works.

1. Storm drain calculations to determine detention pond sizing and operations.
2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
3. Storm Water Pollution Prevention Plan.

**X.D.**

A. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the Director of Public Works. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the Director of Public Works and dedicated to the City. (**MHMC 17.32.090**)

**X.B.**

Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with District standards.

**X.C.**

Installation of water line extension on site. (**MHMC 3.44.010**)

D.

Provide separate water services and meters for each lot. These are to be installed by developer. (**MHMC 17.32.020 D**)

E.

Should the City determine that additional water storage capacity is required, the applicant shall pay a share of any necessary improvement costs. The timing and amount of payment (developer's proportionate share) may be based on City-wide usage) shall be determined by the Public Works Director. (**MHMC 3.44.010**)

**XVI.**

## OTHER CONDITIONS

**X.A.**

The owner shall dedicate all necessary utility easements. Each requirement shall be determined by the Director of Public Works, and shall be accompanied by appropriate legal descriptions. (**MHMC 17.28.010**)

**X.B.**

The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the Director of Public Works. (**MHMC 17.32.020 E.1**)

C.

The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit.

**XVI.**

## WATER SYSTEM

## **STANDARD CONDITIONS**

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(MHM<sup>C</sup> 17.20.380; 17.24.210)

- X.D.** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the owner.
- X.E.** Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. (MHM<sup>C</sup> 17.08.090)

**OFFICE OF JOINT POWERS PRETREATMENT**

**XVIII. COMMERCIAL AND INDUSTRIAL BUILDINGS**

- A. Restaurants and food preparation facilities shall install grease interceptors. The type, size and location of said interceptors shall be to the approval of the Public Works Director and the Pretreatment Office.
- X** B. Installation of a sewer test manhole in lieu of a property line clean-out, shall be provided for each building, in accordance with standard city specifications. (MHMPC 13.20.270)
- C. Where a septic tank system is proposed, a copy of the approval permit from the Santa Clara County Environmental Health Department shall be filed with the Office of Joint Powers Pretreatment prior to issuance of a building permit.

## STANDARD CONDITIONS

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## FIRE DEPARTMENT

XIX.	<u>SITE DEVELOPMENT</u>		
<u>X.</u>	<u>Required Fire Flow.</u> Required fire flow for this project is 1,750 GPM at 20 psi residual pressure. The required fire flow available from area water mains and fire hydrant(s) which are spaced at the required spacing. ( <u>UFC Appendix III-A</u> )	G.	<u>Required Fire Flow Option (Single Family Dwellings).</u> Provide required fire flow from fire hydrants spaced at a maximum of 500 feet <b>OR</b> provide an approved fire sprinkler system throughout all portions of the building. The fire sprinkler system shall conform to National Fire Protection Association Standard #13D, 1994 Edition, and local ordinance requirements. ( <u>UFC 903.2</u> )
<u>B.</u>	<u>Fire Hydrant Location Identifier:</u> Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the fire department.	H.	<u>Water Supply for Fire Protection (Single Family Dwelling).</u> Provide a water tank of _____,000 Gallons capacity and one _____ fire hydrant. Installations shall conform with Fire Department Standard Details and Specifications W-1. ( <u>UFC 903.2</u> )
<u>C.</u>	<u>Automatic Fire Sprinkler System Required.</u> Buildings requiring a fire flow in excess of 2,000 GPM shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13, 1994 Edition. ( <u>UFC 1003.2.2 as amended by MHM/C 15.44.040</u> )	I.	<u>Required Hydrant Installation(s).</u> Hydrants shall be installed and spaced along the new or replacement water main installation(s) at a maximum spacing of _____ feet. Provide hydraulic calculations to show that required fire flow can be provided. ( <u>General Order 103</u> )
<u>D.</u>	<u>Final Required Fire Flow.</u> Required fire flow may be reduced up to 50% in buildings equipped with automatic fire sprinkler systems but, can be no less than 1,500 GPM. Therefore, the final required fire flow is _____ GPM at 20 psi residual pressure. This flow shall be taken from any two fire hydrants, on or near the site so long as they are spaced at a minimum spacing at 250 feet. ( <u>UFC Appendix III-A, Section 5</u> )	J.	<u>Private on-site Fire Service Mains and Hydrants.</u> Installations shall conform to National Fire Protection Association Standard #24, and Fire Department Standard Details and Specifications W-2. ( <u>UFC 903.2</u> ) A separate installation permit from the Fire Department is required.
<u>E.</u>	<u>Public Fire Hydrant(s) required.</u> Provide _____ public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the Water Company. Maximum hydrant spacing shall be _____ feet and the minimum single flow hydrant shall be _____ GPM at 20 psi residual pressure. If fire hydrants are already in place, include civil drawings showing location of all hydrants with the building permit submittal. ( <u>UFC 903.2</u> )	K.	<u>Timing of Required Water Supply Installations.</u> Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. ( <u>UFC 901.3</u> )
<u>F.</u>	<u>Private Fire Hydrant(s) Required.</u> Provide _____ private on-site fire hydrant(s) installed per NFPA Std. #24, at location(s) to be determined by the Fire Department. Maximum hydrant spacing shall be _____ feet and the minimum single flow hydrant shall be _____ GPM at 20 psi residual pressure. Prior to design, the project civil engineer shall meet	L.	<u>Location of Required Fire Protection System(s) Equipment.</u> Location of Fire Hydrants, Fire Sprinkler System(s), Control Valves (PIV / OS&Y), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire

## STANDARD CONDITIONS

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### Department and the Project Planners. (UFC 1001.7.1; 1001.8)

### Standard Details and Specifications G-1. (UFC 902.2.4.1)

<p><input checked="" type="checkbox"/> M. Review of this Development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.</p> <p><input type="checkbox"/> N. Review of these plans does not release the developer, architect, or contractor of the responsibility for the corrections of mistakes, errors or omissions contained therein.</p> <p><input type="checkbox"/> O. This record contains standard wording for developmental review comments. The section(s) may be copied and pasted into other documents to save time and improve accuracy. Use of a standard format and standard wording has been requested by the cities and recommended by their respective city/town attorneys.</p> <p style="text-align: right;"><b>PARTS ARE LOCATED AT 97-0001-0004.</b></p>	<p><input checked="" type="checkbox"/> S. <u>Fire Apparatus (Engine) Access Roads Required.</u> Prior to the commencement of combustible construction, an access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform with Fire Department Standard Details and Specifications A-1. (UFC 902.2.2)</p> <p><input type="checkbox"/> P. <u>Fire Department (Engine) Roadway Turn-around Required.</u> Prior to the commencement of combustible construction the applicant shall provide an approved fire department engine roadway turn-around with a minimum radius of 36 feet outside and 23 feet inside unless otherwise approved in writing by the Fire Marshal. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-de-sac diameters shall be no less than 72 feet. (UFC 902.2.4)</p> <p><input type="checkbox"/> Q. <u>Emergency Gate/Access Gate Requirements.</u> Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be fire department approved. Installations shall conform with Fire Department</p>	<p><input checked="" type="checkbox"/> T. <u>Parking Along Roadways.</u> The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8 foot wide space. (UFC 902.2.4.1)</p> <p><input type="checkbox"/> U. <u>Required Plans and Permits.</u> Plans for fire apparatus access roads and fire hydrant systems shall be submitted to the Fire Department for review and approval prior to construction. Permits are required for the installation of all Private Water Supply, Tank, and Hydrant systems and must be issued to contractors prior to the start of installation of such systems. (UFC 901.2.2.1, 902.2.2.2)</p> <p><input type="checkbox"/> V. <u>Required Access to Water Supply Hydrants</u> Unless otherwise approved in writing by the Fire Marshal prior the issuance of building permit, Portions of the structure(s) are greater than 150 feet of travel distance from the centerline of the roadway containing public fire hydrants. Provide an on-site fire hydrant OR provide an approved residential fire sprinkler system throughout all portions of the building. (UFC 903.2)</p> <p><input type="checkbox"/> W. <u>Required Access to Buildings.</u> Portions of the structure(s) are greater than 150 feet of travel distance along an accessible travel path from an approved fire apparatus access roadway or driveway. Provide an approved fire apparatus roadway/driveway and approved turn-around OR provide an approved type residential fire sprinkler system throughout all portions of the building. (UFC 902.2.1, 902.2.2.4)</p> <p><input type="checkbox"/> X. <u>Fire Department Key Box Required.</u> The building shall be equipped with a permanently installed emergency access key</p>
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## STANDARD CONDITIONS

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lock box (Knox), conforming to Fire Department Standard Detail and Specification sheet K-1. At time of final inspection, access keys shall be provided to the fire department. (UFC 902.4)

<p><u>Y.</u> <b>Fire Apparatus (Engine) Access Driveway Required.</b> Provide an access driveway with a paved all weather surface and a minimum unobstructed width of _____ inches, minimum circulating feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications D-1. (UFC 902.2.2)</p>	<p><u>DD.</u> <b>Flagged Lots.</b> Flagged lots shall conform with all access and water supply requirements in accordance with Fire Code Article 9. Contract Fire Department for applicable means of compliance. (District Policy)</p>	<p><u>EE.</u> <b>Timing of Required Driveway Installations.</b> Prior to the commencement of combustible construction the required driveway installations shall be in place, inspected, and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits also may be held until installations are completed. (UFC 901.3)</p>	<p><u>FF.</u> <b>Fire Apparatus (Ladder Truck) Access Roads Required.</b> Provide access roadways with a paved all weather surface and a minimum unobstructed width of 30 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of _____ feet outside and _____ feet inside, a maximum slope of 10% and vehicle loading of _____,000 pounds. (UFC 902.2.1)</p>	<p><u>GG.</u> <b>Fire Ladder Truck Set Up Area(s) Option.</b> Provide Fire Department Ladder Truck Set Up Areas with a minimum unobstructed width of 30 feet and minimum length of 60 feet. Area shall support 75,000 pounds of gross vehicle weight. Area shall be paved or other engineered surfaces may be used with Fire Department approval. (UFC 902.2.2.1)</p>	<p><u>HH.</u> <b>Secondary Access Required.</b> Provide a secondary access point. Installation and Design of Secondary Access shall conform to Fire Department Standard Details and Specifications A-4. (UFC 902.2.1)</p>	<p><u>II.</u> <b>Bridges (Driveways).</b> The bridge shall be designed for a live load of 40,000 pounds as stated in Fire Department Standard Details and Specifications D-1 and in accordance with Article 90 of the Fire Code. (UFC 902.2.2.5)</p>	<p><b>X.</b> <u>JJ.</u> <b>Premises Identification.</b> Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (UFC 901.4.4)</p>
<p><u>Z.</u> <b>Fire Department (Engine) Driveway Turn-around Required.</b> Provide an approved fire department engine driveway turn-around with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications D-1. (UFC 902.2.2.4)</p>	<p><u>AA.</u> <b>Location of Required Fire Protection System(s) Equipment.</b> Location of Fire Hydrants, Fire Sprinkler System(s) Post Indicator Valves (PIV), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project Planners. (UFC 1001.7.1, 1008.1)</p>	<p><u>BB.</u> <b>Access to Buildings/Landscaping Requirements.</b> Landscaping shall not obstruct Fire Department ladder access to buildings. Building Permit submittals shall include a landscape drawing which reflects the location of all landscaping. The plan shall show how Fire Department ladder access will be provided around all buildings. Provide approved walkways on all sides of the building(s) leading from the fire access roadway to the exterior openings of the building(s). (UFC 902.3.1)</p>	<p><u>CC.</u> <b>Timing of Required Roadway/Driveway Installations.</b> Prior to the commencement of combustible construction, the required roadway/driveway installations, up through first lift of asphalt, shall be in place, inspected, and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials shall not be delivered to the construction site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Issuance of building permits may be withheld until installations are completed. (UFC 901.3)</p>	<p><u>II.</u> <b>Bridges (Driveways).</b> The bridge shall be designed for a live load of 40,000 pounds as stated in Fire Department Standard Details and Specifications D-1 and in accordance with Article 90 of the Fire Code. (UFC 902.2.2.5)</p>	<p><b>X.</b> <u>JJ.</u> <b>Premises Identification.</b> Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (UFC 901.4.4)</p>	<p><u>II.</u> <b>Bridges (Driveways).</b> The bridge shall be designed for a live load of 40,000 pounds as stated in Fire Department Standard Details and Specifications D-1 and in accordance with Article 90 of the Fire Code. (UFC 902.2.2.5)</p>	<p><b>X.</b> <u>JJ.</u> <b>Premises Identification.</b> Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (UFC 901.4.4)</p>

## STANDARD CONDITIONS

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- KK. Building Code Review. Building Code review will be conducted upon receipt of a plans submittal and Building Permit Application from the local building department having jurisdiction.
- LL. Hazardous Materials Compliance Review. Hazardous Materials Compliance review is not completed in the Development Review Process. Questions regarding Hazardous Materials may be directed to (408)378-4010 ext. 20.
- MM. Review of Street Improvement Plans for
- Approved or Disapproved (as applicable). State reason for disapproval.
- NN. The proposal presented under this application is acceptable to the Fire Department. Prior to performing any grading, demolition, construction or building modifications, the applicant shall make an application to, and obtain from the Building and Fire Department all necessary permits. The requirements or conditions, if stated above, shall be incorporated into the project drawings submitted for Building and Fire Department review.
- PP. Preliminary Review Only. The requirements and conditions
- OO. No Fire Department Requirements or Conditions. For the application submitted. Subsequent submittals will be reviewed for Fire Department compliance upon receipt.
- stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete Building Permit Application and Plan Submittal that clearly shows all intended grading, demolition, construction or building modifications.
- QQ. To prevent plan review and inspection delays, the Fire Department Developmental Review Conditions contained within this standard conditions checklist shall be restated as "notes" on all pending and future plan submittals, and any referenced diagrams shall be reproduced onto the future plan submittal.
- RR. All new commercial building shall comply with standard specification SI-7 for construction site fire safety.
- SS. All comments from review \_\_\_\_\_ are still in effect.
- TT. Residential Sprinklers – Home buyer option. The Developer/Contractor/Owner Builder shall provide an automatic fire sprinkler system as an option to the buyer. (UFC 1003.2.2 as a amended by MHMC 15.44.290)

**POLICE DEPARTMENT**

- XX. **SITE DEVELOPMENT**
- A. The applicant shall comply with applicable provisions of the City's building security ordinance. Exterior lighting shall comply with criteria specified in the Design Review Ordinance. (**MHMC 18.74.370**)
- B. The common main entrance door to a multi-family residential building shall be coupled with a voice intercom and electric door controls for each living unit to monitor control of visitor access to the building's interior. There shall be no master keying of residential units.
- C. On directories used in a multiple family dwelling, the residents listed shall be by alphabetical listing only and shall not correspond to numbering of dwelling unit. (**MHMC 15.40.410**)
- D. Where electronic security gates are provided to a development, a voice intercom or phone and electric gate control shall be provided. Gate location shall be designed to provide adequate area for turn around of vehicles.
- XXI. **BUILDING DESIGN**
- A. Building shall be pre-wired to provide a hard wire burglar alarm system. This shall include any windows or doors at ground level and including any windows capable of being reached without ladders from the building's exterior. The wire shall be laid in conduit. This condition does not include the actual alarm system, but only the pre-wiring for desired hookup at a later date.
- B. All exterior transoms, glass skylights, and other openings of glass which are accessible from any surface on the premises shall be constructed of burglary-resistant glass or equally resistant glasslike material or secured on the inside with the following protective devices:
- Iron bars of at least one-half (½) inch round or one (1) inch x one-quarter (1/4) inch flat steel material no more than five (5) inches apart and securely fastened; or
  - Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches secured with non-removable type screws. (**MHMC 15.40.250**)
- C. All hatchway openings shall be secured with the following protective devices:
- If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) gauge sheet steel, or its equivalent, attached with screws.
  - The hatchway shall be secured from the outside with a slide bar or slide bolt with a minimum of one (1) inch throw. The use of a crossbar or padlock must be approved by the Fire Department.
- D. Outside hinges on all hatchway openings shall be provided with non-removable pins using pin-type hinges. (**MHMC 15.40.280**)
- E. All air duct or air vent openings exceeding eight (8) inches x twelve (12) inches on the roof or exterior walls of any building shall be secured by covering the same with either of the following:
- Iron bars of at least one-half (½) inch round or one (1) inch x one-quarter (1/4) inch flat steel material, spaced no more than five (5) inches apart and securely fastened; or
  - Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches and secured with non-removable type screws.
  - If the barrier is on the outside, it shall be secured with galvanized round-head through bolts of at least three-eighths (3/8) inch diameter on the outside. (**MHMC 15.40.290**)

**PACIFIC GAS & ELECTRIC (PG&E)**

**XXII. UTILITY ACCESS**

- A. Development plans shall provide for unrestricted utility access and avoid encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. Examples of activities which could have an impact on PG&E facilities include permanent/temporary changes in grade over or under the facilities; construction of structures within or adjacent to PG&E easements; and planting of certain types of vegetation over or underneath gas and electric facilities respectively. Developers shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the proposed development (PG&E).

**OTHER CONDITIONS:**

- X. A.** Provide separate domestic water meter and landscape water meter to the site. Domestic and landscape service shall be equipped with a back flow preventer per City Standard Detail W-3. Water meters shall be located in right-of-way along property frontage. (PW)
- X. B.** Provide on-site ponding basin per the City's current design standards. Calculations supporting ponding basin design shall be submitted to Public Works for review. (PW)
- X. C.** Public Works fees are required for this project and must be paid prior to the issuance of building permits. (PW)
- X. D.** Provide fire service with double detector check valve assembly to the building. (PW)
- X. E.** An industrial waste discharge permit is required from the Chemical Control Program prior to any industrial wastewater discharge (non-domestic) to the sanitary sewer system. The business owner/operator shall complete and return an owner/operator form (make copies as needed) to the City of Gilroy, Attention: Jonathan Crick, 7351 Rosanna Street, Gilroy, CA 95020. The permit shall be maintained and renewed as required. The pretreatment program shall issue the permit during the building final inspection process. (PTRMT)
- X. F.** All new non-residential buildings shall have a sewer test manhole installed on the property (see City Specifications) and in an area that can be readily accessed by an inspector, (minimum of one for each building). Show sewer test manholes on future plans. For tenants with industrial waste treatment systems, a separate sewer test manhole shall be required. (PTRMT)
- X. G.** Ensure that the sanitary sewer manhole lids are properly labeled, "Sanitary Sewer," and storm drain manhole lids are properly labeled "Storm Drain." (PTRMT)
- X. H.** Dry clean up of oil spills is the preferred method over wet floor mopping of oil spills. Floor mopping operations that may generate oily residues shall be drained to a sand-oil-water separator. An existing Jiffy Lube center within the SCRWA service area utilizes a sand-oil-water separator for this purpose. Heavy degreasers shall not be used with wet mopping of oil spills. Future plan submittals shall include details on operations and construction to handle oil spills and/or oily water. (PTRMT)
- X. I.** Inspections by a Chemical Control Inspector are required prior to final building/tenant improvement. Call (408) 846.0436 or e-mail to jenick@ci.gilroy.ca.us at least 48 hours in advance to schedule an inspection with Jonathan Crick. (PTRMT)
- X. J.** Final building plans shall include an "exit only sign" at the western driveway in a size and location subject to the approval of the Public Works and Community Development Departments. (PLNG)
- X. K.** The project shall comply with the provisions of Chapter 18.73, Water Conserving Landscapes, of the Morgan Hill Municipal Code. Prior to issuance of a Site Development Permit, the

## STANDARD CONDITIONS

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applicant shall provide all required documents and certifications (**PLNG**).

X L. Final building plans shall delineate a building footprint which provides for at least one parking space constructed using a turfblock/grass-crete material to located west of the building separated from the western property line with a 15-foot minimum landscape buffer. (**PLNG**)

X M. Final building elevations shall include exposed rafter tails on the tower element, a composition shingle or slate roof material on the tower and two with trellis structures on the north elevation. (**PLNG**)

X N. Final building plans shall indicate that the wall signs on the north and south elevations incorporate individual channel letters.

X O. Final building plans shall include the following notes to reduce noise impacts from construction:

- Construction activities shall be limited to the hours between 7:00 AM and 8:00 PM, Monday through Friday, and between the hours of 9:00 AM and 6:00 PM on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

• Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

• Locate stationary noise generating equipment as far as possible from adjacent residential receivers.

• Utilize "quiet" air compressors and other stationery noise sources where technology exists.

X P. Final building plans shall include the following notes:

In the unlikely event cultural materials are found during site grading or excavation, the following standard measures would be implemented:

- All construction within 50-feet of the find would be halted, the Director of Community Development would be notified, and

a qualified archaeologist would examine the find and make recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

- If human remains are discovered, the Santa Clara County Coroner shall be notified. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall identify the Most Likely Descendant (MLD) of the deceased Native American.

- If the Director of the Community Development Department finds that the cultural resource find is not a significant resource, work shall resume only after the submittal of a preliminary report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Director of the Community Development Department for consideration and approval, in conformance with the protocol set forth in the CEQA Guidelines.

**ORDINANCE NO. 1488, N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL APPROVING DEVELOPMENT STANDARDS AND  
ALLOWABLE USES FOR FIVE PLANNED UNIT DEVELOPMENT  
(PUD) AREAS, ZA-98-11.**

**WHEREAS**, members of the community have expressed concern regarding the proliferation of certain types of commercial land uses, including fast-food restaurants and hotels, and the quality of design of commercial projects on E. Dunne Avenue and Condit Road; and

**WHEREAS**, in June 1998, the City Council directed City staff to initiate rezoning of the Dunne Avenue and Condit Road business districts to a Planned Unit Development. The record demonstrates that the reasons for the Council's decision included traffic congestion, public safety issues, the pendency of the City's General Plan update, the high visibility of the parcels from Dunne Avenue and Highway 101, the relatively small parcel sizes along Condit Road, and the need to balance community, industrial and residential uses within the PUDs.

**WHEREAS**, in order to address this concern, the City Council rezoned five areas along E. Dunne Avenue and Condit Road Planned Unit Development (PUD) in order to better control the types and quality of development in those areas; and

**WHEREAS**, six public workshops were held with property owners and concerned citizens to determine appropriate uses and standards for development of those areas; and

**WHEREAS**, for each of those five areas, development objectives, listings of allowable uses and development standards have been drafted which will ensure quality development and prohibit the over concentration of any one type of use in those areas; and

**WHEREAS**, the proposed amendments were considered by the Planning Commission at their regular meetings of June 13, 2000 and July 11, 2000 and by the City Council at their regular meeting of August 16, 2000; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and other materials have been considered in the review process.

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS  
FOLLOWS:**

**SECTION 1.** The proposed amendments are consistent with the Zoning Ordinance and General Plan.

**SECTION 2.** An environmental initial study has been prepared for the proposed amendments and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A Negative Declaration will be filed.

**SECTION 3.** The zoning amendments are required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

**SECTION 4.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 5.** The amendments contained in the attached Exhibit "A" are adopted and are to be applied to the properties as shown on the map attached thereto.

**SECTION 6.** Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 6<sup>th</sup> day of September, 2000 and was finally adopted at a regular meeting of said Council on the 4<sup>th</sup> day of October, 2000 and said ordinance was duly passed and adopted in accordance with law by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	Hedy L. Chang, Cynthia J. Cook, Dennis Kennedy, Steve Tate
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	Greg Sellers
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	None

ATTEST:

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Irma Torrez, City Clerk

APPROVED:

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Dennis Kennedy, Mayor

 **CERTIFICATE OF THE CITY CLERK** 

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1488, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 4<sup>th</sup> day of October, 2000.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

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IRMA TORREZ, City Clerk

**EXHIBIT A  
ORDINANCE 1488, N.S.  
ZA-98-11: PUD ZONING**

**Planned Unit Development (PUD) zoning**

**Area 1:**

This area is shown on the attached map and includes Assessor Parcel Numbers 726-04-003, 006, 007, 008, 011, and 012.

**Objective:**

Development of this PUD shall occur in a manner which recognizes and respects the prominence of this location (the intersection of Dunne and Butterfield) and the proximity of the Morgan Hill Community Center. Only commercial uses which complement the nearby civic uses and are compatible with nearby residential uses shall be allowed. Likewise building design and placement shall complement the Community Center and be compatible with nearby residential uses. Building placement and vehicular circulation shall facilitate the future grade separation of Dunne Avenue and the railroad tracks.

**Allowable Uses:**

**Permitted**

- Restaurants, Sit down
- Offices and professional offices
- Financial services
- Commercial recreation uses 3,000 sq. ft. or less in area (exclusive of parking)

**Conditional**

- Personal services, when supportive of other permitted uses in the PUD
- Retail stores, when the specific retail use or uses are found to be of a nature and operated in a manner which is compatible with the Community Center.
- Child care, when supportive of other permitted uses in the PUD
- Commercial recreation uses over 3,000 sq. ft. in area (exclusive of parking)
- Any other use which the Planning Commission finds to be similar in nature to the permitted and conditional uses.

**Development Standards:**

**Building Design**

1. All buildings within the PUD shall be of an architectural style which shall be compatible with the Community Center and residential uses located to the south and east.
2. The westerly elevations of the buildings located on the parcels adjacent to the railroad tracks shall be designed in recognition of the visibility of these elevations from the railroad and Community Center.
3. Multi-tenant retail or service commercial buildings shall not be allowed in this PUD.

**Site Design**

1. Vehicular easements shall be established between parcels to allow for convenient access to the

most south-westerly parcel in the PUD from Dunne Ave. at such time as a grade-separation is established for Dunne Ave. at the railroad tracks.

2. Vehicular easements shall be established between the parcels adjacent to Dunne Ave. and Diana Ave. in recognition of the prohibition of left turns from the PUD onto Dunne Ave.
3. Should the most south-easterly parcel in the PUD redevelop, the replacement building shall be located at the corner of Dunne Ave. and Butterfield Blvd. with only landscaping between the new building and the rights-of-way of those two streets.

Landscape Design

1. A 40 foot wide landscaped area shall be provided adjacent to Dunne Ave. on the most south-westerly parcel of the PUD in recognition of the additional right-of-way which will be required for the future grade separation of that street at the railroad tracks.

**Area 2:**

This area is shown on the attached map and includes Assessor Parcel Numbers 726-01-001, 006, 007, 008, and 726-43-001, 002, 003, 004, and 005.

**Objective:**

This PUD is situated at one of the Highway 101 gateways to the City. Uses within this area shall serve the needs of the traveling public and the sub-regional comparison shopping needs of the area. In addition, uses shall be restricted to those which would be compatible with the nearby residential development to the north. Due to its gateway location, a high quality of architectural and landscape design shall be provided for all development. This design shall also be compatible with the commercial PUD located on the west side of Walnut Grove Drive and with the nearby residential neighborhoods.

**Allowable Uses:**

**Permitted**

- Restaurants, Sit down
- Retail uses, excluding grocery, supermarket and drug stores
- One motor vehicle sales and service use, to be located on the most easterly parcel in the PUD

**Conditional**

- Commercial Recreation
- One gasoline service station
- One fast-food restaurant
- Any other use which the Planning Commission determines to be similar to permitted or conditional uses

**Development Standards:**

**Building Design**

1. All buildings within the PUD on the north side of Laurel Road shall be of an architectural style which shall be compatible with the residential uses located to the north.
2. Buildings located west of the north-south segment of Laurel Road shall be of a design which is

compatible with the design of buildings within the PUD located adjacent to and west of this PUD.

3. Multi-tenant retail or service commercial buildings shall not be allowed in this PUD.

Signage

1. All freestanding monument signs in the PUD shall indirectly illuminated.
2. No internally illuminated "can" signs shall be allowed within the PUD, either freestanding or building attached.

Other Standards

All development in this PUD will comply with the mitigation measures contained in the Negative Declaration approved as part of adoption of Ordinance 1273.

**Area 3:**

This area is shown on the attached map and includes Assessor Parcel Numbers 728-17-001, 016, and 017.

**Objective:**

This PUD is situated at one of the gateways to the City. Due to its gateway location, a high quality of architectural and landscape design needs to be provided for all development. This design should also be compatible with the adjacent residential neighborhoods, Nordstrom School and Nordstrom Park. Uses within this PUD are intended to serve the need of residents on the east side of Highway 101 for convenience commercial items. Provision of a variety of uses shall be encouraged within the PUD.

**Allowable Uses:**

Permitted

One of each type of the following uses shall be allowed as a permitted use within the PUD:

- Retail stores, excluding convenience markets
- Offices
- Restaurants; sit-down
- Personal services

Conditional

The following uses shall be conditionally allowed within the PUD:

- Nursery schools and day care centers
- Animal care facilities
- Restaurants, Sit down
- No more than three fast-food restaurants, only one of which may be freestanding
- Any other use which the Planning Commission determines to be similar to permitted or conditional uses

Inclusion of more than one of any kind of these permitted or conditional uses in the PUD shall be allowed only upon granting of a conditional use permit finding that the additional use 1) will not result in an over-concentration of that type of use in the area and 2) will not preclude the establishment of other needed uses in the area.

**Development Standards:**

**Building Design**

1. All buildings within the PUD shall be of an architectural style which shall be compatible with the residential uses located to the north and Nordstrom Park to the east.

**Site Design**

1. Development of the most south-easterly parcel in the PUD shall include the placement of a building at the corner of Dunne Ave. and Murphy Ave. with only landscaping between the new building and the rights-of-way of those two streets.
2. Only one access point for vehicles shall be allowed on Dunne Ave.

**Signage**

1. All freestanding monument signs in the PUD shall indirectly illuminated.

**Area 4:**

This area is shown on the attached map and includes Assessor Parcel Numbers 817-12-010, 011, and 013.

**Objective:**

This PUD is situated at a one of the gateways to the City. Due to its gateway location, a high quality of architectural and landscape design needs to be provided for all development. Uses within this PUD are intended to meet the retail and related service needs of City residents living in this area. Development of this area is intended to occur as part of a coordinated comprehensive plan for the PUD.

**Allowable Uses:**

**Permitted**

One of each type of the following uses shall be allowed as a permitted use within the PUD:

- Retail stores when developed as part of a coordinated center of at least 50,000 square feet in size.
- Restaurants, Sit down
- Offices and professional offices
- Financial services
- Conference centers, banquet and meeting rooms

**Conditional**

One of each type of the following uses shall be conditionally allowed within the PUD:

- Commercial recreation
- Convenience markets
- Personal services, when supportive of other permitted uses in the PUD
- Day care centers and nursery schools, when supportive of other permitted uses in the PUD
- Any other use which the Planning Commission finds to be similar in nature to the permitted and conditional uses

Inclusion of more than one of any kind of these permitted or conditional uses (for example, dry cleaners, restaurant, hair salon, etc.) in the PUD shall only be allowed as part of a coordinated center of at least 50,000 sq. ft. and only upon granting of a conditional use permit finding that the additional

use 1) will not result in an over-concentration of that type of use in the area and 2) will not preclude the establishment of other needed uses in the area.

**Development Standards:**

**Site Design**

1. Development of the PUD shall include the placement of buildings at the corners of Dunne Ave. and Condit Road and Dunne Ave. and Murphy Ave. with only landscaping between the new buildings and the rights-of-way of those three streets.
2. Only one access point for vehicles shall be allowed on Dunne Ave.

**Signage**

1. A single, shared freestanding monument sign shall be allowed in the PUD. That sign shall be located on Dunne Avenue and shall be indirectly illuminated.
2. No internally illuminated "can" signs shall be allowed within the PUD, either freestanding or building attached.

**Area 5:**

This area is shown on the attached map and includes Assessor Parcel Numbers 817-12-003, 004, 016, 017, and 817-13-019, 020, 021, 022, 024, 026, 027, 029, 030, 031, 032, 034, and 035.

**Objective:**

This PUD contains all of the properties adjacent to the eastern side of Highway 101, between Dunne and Tennant Avenues. Given its excellent visibility from and access to Highway 101, uses within this PUD shall serve the needs of the traveling public and the sub-regional shopping needs of the area. Its adjacency to the Dunne and Tennant Avenue gateways and its visibility from Highway 101 also require a high quality of architectural and landscape design to be used for all development within it. The relatively small sizes of the parcels within the PUD require a significant degree of compatibility of design and coordination of traffic circulation between all properties.

**Allowable Uses:**

**Permitted**

- Restaurants, Sit down
- Wine tasting
- Retail uses supportive of hotel uses within the PUD, excluding grocery, supermarket and drug stores
- Motels and hotels, a maximum of 5 will be allowed in the PUD
- Arts and crafts galleries
- Conference centers, banquet and meeting rooms

**Conditional**

- Commercial recreation
- Two motor vehicle sales and service uses. Service uses shall only be allowed when ancillary to motor vehicle sales.
- One fast-food restaurant
- Any other use which the Planning Commission determines to be similar to

permitted or conditional uses

Inclusion of any of these conditional uses in the PUD shall be allowed only upon granting of a conditional use permit finding that the use will be consistent with the gateway and scenic corridor qualities of this PUD area. This finding shall include consideration of the quality of the proposed physical improvements to the site, the extent of outdoor activity on the site which will be visible from public rights of way and the manner in which the use is conducted on the site.

**Development Standards:**

**Building Design**

1. A mixture of building heights shall be included within the PUD. No more than two three story buildings shall be located adjacent to one another.

**Landscape Design**

1. A landscape theme shall be established for the Highway 101 frontage of all properties.
2. A landscape theme shall be established for the Condit Road frontage of all properties.

**Signage**

1. A maximum of three freeway-oriented multi-business identification signs shall be allowed in the PUD.

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15 November 2006

Eric Marlatt  
Planning Department  
17555 Peak Avenue  
Morgan Hill, CA 95037

PLANNING DEPT.

DEC 08 2006

CITY OF MORGAN HILL

Dear Mr. Marlatt,

I am submitting this Statement of Proposed Operations as a requirement of the Conditional Use Permit process for the proposed Jiffy Lube to be located on Assessor's Parcel Number 726-43-004.

**Hours**

Jiffy Lube operates during typical service-commercial business hours: Monday-Saturday 8:00am-6:00pm, and Sunday 9:00am-5:00pm. Each Jiffy Lube typically hires between 10 and 16 employees that rotate throughout the week. An average shift has about 5 employees on the premises at once; the maximum number of employees on site at any given time is about 8. The morning opens with just a couple of workers, then more come in as volume is anticipated to build. Peak demand hours are 4-6pm on weekdays and 11-3 on weekends. The average hour through the day will see about 4 to 5 customers, with the average center doing approximately 40 customers per day.

**Operation**

Customers do not remain with their vehicle, rather they are asked to go into the waiting room while service is performed. Service, on average, requires 15 to 20 minutes. Upon completion, payment transactions take place within the waiting area/lobby. There is no retail component to the business since all items are installed and part of the service provided to the customer.

The front two bays of the center are used for the actual services performed. The back two bays are primarily used for preparing the vehicles for service (vehicle information input; wash windshield, vacuum). Additionally, the rear two bays assist in getting the customer out of the weather and directly into the waiting room. During the lower volume hours, the two rear bays will serve as merely parking, waiting to bring the vehicles forward for service.

**Equipment**

Air compressors are the major type of equipment used; they allow for the transfer of automotive fluids from holding tanks to the automobiles on the service deck and vice versa. Certain automotive fluids are considered hazardous materials and will be stored securely and removed from the premise in a manner in accordance with Morgan Hill and the State of California.

Sincerely,



Andrew Shiflet



OPArchitects.net  
San Francisco, CA  
Denver, CO